

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

)	
ROLLERBLADE USA CORP.,)	
)	
Plaintiff)	
)	
v.)	Civil Action. No. 05-cv-11001 (EFH)
)	
INCHWORM, INC.,)	
)	
Defendant.)	
)	

**ROLLERBLADE USA CORP.'S
REPLY TO INCHWORM'S COUNTERCLAIM**

In response to the averments of the correspondingly numbered paragraphs of the counterclaims stated in the answer of Defendant Inchworm, Inc. (“Inchworm”), Plaintiff Rollerblade USA Corp. (“Rollerblade USA”) states as follows.

Parties

1. Rollerblade USA lacks sufficient information, with respect to the exact location and state of incorporation of Inchworm, to either admit or deny the statements in paragraph 1. The Complaint filed by Inchworm in the United States District Court for the Western District of Washington on April 11, 2005, stated (in paragraph 1 thereof) that “Inchworm is a corporation organized and existing under the laws of the state of Massachusetts”

2. Denied.

Jurisdiction and Venue

3. Rollerblade USA admits that the counterclaim states a cause of action arising under the patent laws of the United States, but denies that there is any infringement giving rise to jurisdiction in this district or elsewhere.

4. Rollerblade USA admits that it has imported in-line skates into the United States and that such in-line skates have been distributed across the United States, including this judicial district, and that such in-line skates have been offered for sale by independent retail vendors, including vendors having retail establishments located within this judicial district. Otherwise, denied.

5. Denied.

Inchworm's Patent Rights

6. Rollerblade USA admits that U.S. Patent No. 6, 883, 254 ("the '254 patent") is entitled "Expandable Shoe and Shoe Assemblies." Upon information and belief, Inchworm is currently the owner of all right, title and interest in the '254 patent. Otherwise, denied.

Count 1: Patent Infringement

7. Denied.

8. Admitted, however, Rollerblade USA denies that any such "license or authority from Inchworm" was or is necessary because no act of Rollerblade USA has infringed the '254 patent.

9. Denied.

10. Denied.

11. Denied.

ROLLERBLADE USA CORP.

By its attorneys,

Dated: December 8, 2005

/s/ Emily A. Berger

Matthew B. Lowrie, BBO No. 563,414

Robert J. Silverman, BBO No. 633,164

Emily A. Berger, BBO No. 650,841

LOWRIE, LANDO & ANASTASI, LLP

Riverfront Office Park

One Main Street, 11th Floor

Cambridge, MA 02142

Tel: 617-395-7000

Fax: 617-395-7070

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2005 a true copy of ROLLERBLADE USA CORP.'S ANSWER TO INCHWORM'S COUNTERCLAIM was served by electronically filing with the Court to:

Robert Noah Feldman

feldman@birnbaumgodkin.com

and by electronic mail to:

Lawrence D. Graham

graham@blacklaw.com

/s/ Emily A. Berger